vivo;

II. Claims 7-8, drawn to a method of detecting an IL13-specific receptor in a tissue specimen;

III. Claim 9, drawn to a method of imaging tumor cells;

IV. Claims 10-11, drawn to a pharmaceutical composition comprising an IL13 receptor-binding moiety and a cytotoxic moiety; and

V. Claim 12, drawn to a kit comprising an IL13 receptor-binding moiety; and

VI. Claim 13, drawn to a polynucleotide.

Applicants hereby provisionally elect with traverse Group I (claims 1-6) drawn to a method of reducing the rate of growth of tumor cells in vivo. If no generic claim within Group I is held allowable, Applicants also provisionally elect with traverse the species wherein the rate of tumor growth is inhibited , *i.e.*, claim 4 on which generic claim 1 reads.

Applicants submit that the restriction requirement is improper. While the Office Action asserts that the inventions of Groups I-VI are distinct (see numbered paragraph 3), Applicants submit that each of Groups I-IV relate to IL13-specific receptors and are therefore not distinct. Applicants traverse the further restriction of Group I (see numbered paragraph 5 of the Office Action) and submit that the species are obvious variants as the outcomes (i.e., inhibition of the rate of tumor growth or inhibition of tumor volume) are not necessarily mutually exclusive. Thus, a search for one species will suffice for the other. Accordingly, reconsideration and withdrawal of the outstanding restriction requirement under 35 U.S.C. § 121 is respectfully requested.

Drawings

Attached to the Office Action, was a Notice of Draftspersons Patent Drawing Review objecting to the drawings. In response to the Draftsperson's objections, Applicants shall submit corrected formal drawings upon allowance of claims in this matter.

Respectfully submitted,

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Dated: 2/25/00

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